

POLICE GUARDING RAIDED SALOONS

Thirty Are Detailed for
This Phase of Enforce-
ment in the City.

WOULD OUST A COP

One Saloonkeeper Sues to
Get Them Off Premises in
Upper Broadway.

ACQUITTAL IN FIRST CASE

Brooklyn Jury Brings In Ver-
dict of Not Guilty Under
State Law.

The Police Department's policy, announced last Friday by Commissioner Enright, of detaining patrolmen to stand watch over saloons which have been raided for violations of the State liquor law, has been carried out. Deputy Commissioner Leach said last night at least a dozen saloons are under guard, with about thirty members of the department detailed to this duty. Five hundred members of the force are now giving their entire time to prohibition work.

This method of enforcement was subjected to attack yesterday when Patrick J. Cryan, lessee of a saloon at 3301 Broadway, raided last Friday, obtained an order from Justice Dehanty to show cause why the police should not be restrained from occupying his place of business. Cryan was arrested on the charge he had a pint of liquor on the premises. In his affidavit he stated he has done no business during the last year and a half. He objected to being refused admittance by the policemen stationed at his place since the raid.

Cryan informed the court he has a valuable supply of liquors in the cellar, purchased before the passage of the Eighteenth Amendment, and that he wants to take an inventory of them so he may protect his rights when he takes legal action. And he also pleaded unconsciousness of mind because he knew of cases where stuff seized by the police and the Federal authorities was found on its return to have depreciated considerably in value.

Other developments in the prohibition situation yesterday were:

First Verdict Acquittal.

The first trial by jury under the new State law resulted in a verdict of acquittal after an hour's deliberation on a charge of possession.

An attack on the constitutionality of the same law by Justice Prince in the Eighth District Municipal Court, who held the mere possession of liquor is not crime, and that section 1213 unconstitutionally places the burden of proof on the person arrested for possessing liquor.

The ruling in which the State law was declared unconstitutional was handed down by Judge William F. Bleakley in the Court of Special Sessions in Yonkers, with particular reference to the section attacked by Justice Prince. Assistant District Attorney Unger announced the Grand Jury will give its entire time to-morrow to the hearing of liquor cases. Fifty-five are scheduled to come before it.

The police made a record day's haul of booze. They seized 1,407 bottles, 790 barrels, 249 cases, besides a collection of demijohns, kegs and jugs. The total number of arrests up to yesterday was 2,971. There were ten indictments yesterday.

The first trial under the new act took place before Judge Mitchell May in the Kings County Court, Brooklyn. The defendant was Joseph A. Farrell, a former saloon keeper of 64 Ralph avenue, Brooklyn, and it was charged that police raiders found a small bottle of liquor on a shelf in the side entrance to Farrell's old place of business.

Although the presentation of the evidence took less than twenty minutes, the jury deliberated an hour, standing 11 to 1 for acquittal until their agreement was reached. Judge May, in discharging Farrell, told the jurors the only thing which surprised him was that they had deliberated so long.

"If a defendant were to be convicted on testimony as weak as was submitted in this case," he said, "then it would be unsafe for any man to try to defend himself against a charge before a jury. I am satisfied the police are trying to do their duty, but there is one thing the American people will not tolerate, and that is an invasion of their personal rights and liberties."

There was difficulty in filling the jury box. Many of those called said they were opposed to prohibition. Alan Darbee of 106 Kosciuszko street asked to be excused because whiskey saved his life when he had the "flu" two years ago, and made him take "a decided view against prohibition." Charles J. Cullen of 652 Chauncey street was excused after he said: "I am prejudiced against prohibition because it was not submitted to a referendum of the people. If it had been, I would gladly uphold it now. I don't think I can qualify as a juror." Others expressed the view the testimony would have to be of the strongest character before they would convict.

The ruling of Justice Prince, placing the burden of proof upon the police, will not obstruct the department's policy in the least, it was stated by Deputy Commissioner Leach.

The decision was made following a hearing in the case of Tony Spinelli, owner of a tenement house at 220 East 113th street, who has begun eviction proceedings against Frank Morelli, a tenant.

Recently Patrolman Carr of the East 104th street station arrested an employee of Morelli, charging he found six bottles of wine in the place. Capt. O'Connor of the East 104th street station then sought a lien on the store, after declaring it a public nuisance, and to avoid this Spinelli sought to evict Morelli.

In dismissing the complaint against Morelli's employee Justice Prince said: "It is not the spirit of our laws and is contrary to the protection guaranteed by the Constitution that citizens of our State shall be required to prove their innocence of crime."

"The mere possession of intoxicating liquor in the dwelling of a person does not constitute an offense. To support a charge based upon such possession there must be established, in addition, either that the intoxicating liquor was not 'legally the property' of the owner before the enactment of the section, or that it was intended for a prohibited use, namely, for a use other than the personal consumption of the owner, his family and guests."

"A person entirely innocent of wrongdoing before the enactment of the new law becomes a criminal by reason of

Haywood Aids Reds as Labor Director

WASHINGTON, April 26.—"Big Bill" Haywood is in Russia without a bit of doubt and "not likely to return to this country soon," according to advices received by the Department of Justice, Attorney-General Daugherty said today. Haywood is reported, the Attorney-General said, to be working as a sort of general manager for a Communist organization in Russia in charge of employment activities.

In view of the existing relations between this country and Russia, Mr. Daugherty added, his department could not very well get Haywood at present. He indicated, however, that in his opinion Haywood eventually would serve the sentence imposed upon him.

no act or intention to act, and only by reason of the enactment of the law itself. Crimes cannot thus be made to rest upon mere passivity.

Judge Bleakley, hearing a case in which possession was charged, held the law to be constitutional, and declared that "the presumption of guilt is brought out on prima facie evidence, and the burden of proof rests on the defendant, as in other sections of the penal law."

Acting District Attorney Banton took the same position as Judge Bleakley, declaring the State law as a parallel instance, in which it is presumed that a person in possession of a firearm holds it unlawfully.

Magistrate Douglas, in Essex Market Court, admonished a detective for using "wild West methods" in prohibition cases, and said: "You policemen must understand that you must act in a parallel manner in making these arrests."

The detective, David Smith of the First District, held up two men who had just obtained two jugs of sacramental wine in a wine store and fastened the stuff. Slugging methods on the detective's part were alleged by a third man, Harry Abrams, of 268 East Houston street. Abrams, according to Smith, got out of his automobile near by and took the wine jugs out of the car of the men the detective had arrested, carrying them back to the store. Another witness said Abrams did not touch the jugs. Abrams complained that Smith beat him up in the street.

The defendants produced certificates in court, signed by a rabbi and proving their right to possession of the wine. They were discharged. The Magistrate said he would make a complaint against Detective Smith.

**N. Y. DRY AGENT SQUAD
MOPPING UP ALBANY**

Special Despatch to THE NEW YORK HERALD.

ALBANY, April 26.—Prohibition enforcement agents from New York City came here Monday night to mop up the capital over the heads of the local police, and by to-night they had locked up nine saloonkeepers and seized a large quantity of liquor. The men arrested are charged with possessing liquor unlawfully. The raids were the first in a campaign to put the lid down here. "Izzy" Einstein is in command.

Approximately 100 saloons were entered during the day, every corner of the city being visited. One of the first raids was made at the Savola Hotel, which backs up against the Second precinct police station. Two arrests were made. The tactics of the agents in gaining admittance to the saloons were condemned by the proprietors. One of them, Joseph A. Conkling, claims they wrecked his place in Church street.

MISS RASHAN NOT POISONED.

The death of Miss Josephine Rashan, 32, of 433 East Seventy-third street, last Thursday was not due to the liquor which she drank that evening, while in company with her fiancé, George Forger, 42, of 611 East Eighty-first street, according to a report made yesterday to Magistrate Simms in Yorkville Court. On the basis of the chemical analysis, which showed there had been no poisonous content in the liquor, Forger was freed of a charge of suspicion of homicide.

Miss Rashan and Forger were to have been married last Saturday. Shortly after reaching home Thursday night she was seized with an attack, and cried that she had been poisoned. She died within a few minutes.

Although the presentation of the evidence took less than twenty minutes, the jury deliberated an hour, standing 11 to 1 for acquittal until their agreement was reached. Judge May, in discharging Farrell, told the jurors the only thing which surprised him was that they had deliberated so long.

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INCUMBENTS CARRY JERSEY PRIMARIES

Hague Has Overwhelming Vic-
tory Over Fusionists in
Jersey City.

The ticket headed by Mayor Frank Hague, comprising all of the five present Commissioners, won an overwhelming victory yesterday in the Jersey City municipal primary election, polling about half of the total of 66,219 votes cast, with the Fusion ticket polling nearly all of the remainder. In the Newark elections, where James R. Nugent, the Democratic boss, waged a fight against Mayor Charles F. Gilman, the Mayor and the other four present Commissioners also were victorious by large majorities, although the exact figures will not be available until this morning.

In both Jersey City and Newark the voters appeared to take comparatively little interest in the election, despite the rows and disputes which the politicians have staged recently. In Jersey City almost 40,000 of those registered failed to vote at all and not more than two-thirds of the voters in Newark went to the polls. In each city the ten highest men on the ballots are to be voted on at the municipal elections in May, and from them will be chosen five men as City Commissioners. In both Jersey City and Newark, therefore, the present Commissioners will go on the ballots as having received the highest votes in the primaries.

In Jersey City the five candidates receiving the highest number of votes are Mayor Hague, John Bentley, Michael A. Fagan, James F. Gannon, Jr., and A. Harry Moore. The next five were running on the Fusion ticket, the ticket headed by James A. Hamill being snood under. In Newark the figures available at 1 o'clock this morning gave these are the nine highest on the list, all of whom appear certain to go before the voters in May: Thomas L. Raymond, William J. Brennan, Mayor Gilman, Alexander Archibald, John P. Monahan, Frederick C. Breitenbach, John Howe, A. J. Cozzolino and Frank F. Dodd.

It was thought in Jersey City early in the morning, when the balloting was fairly heavy, that the election would bring out the full registration, but the voting dwindled during the afternoon. In neither Newark nor Jersey City were there any serious disturbances at the polls. Only two arrests for minor offenses were made in Jersey City and none at all in Newark.

A primary election was also held in

South Orange yesterday, with little interest displayed by the voters because of the fact that there were no contests. Ordinarily the vote there is over 4,000, but yesterday only 536 citizens went to the polls. William S. Hunt was nominated for Village President to succeed Edward P. Duffield, who retired. The trustees nominated were Lucius H. Bigelow, noted as a Yale football player; Louis T. Bird and Clarence H. Alexander. The nominations are equivalent to election.

PICKARD'S BRIDE CALLED W. E. COREY'S DAUGHTER

Special Despatch to THE NEW YORK HERALD. FREEHOLD, N. Y., April 26.—Mrs. Adele Arline Stevens, a native of Putney, England, and a former resident of Boulder, Col., was married to Charles Edward Pickard of Elmhurst, L. I., here last evening by the Rev. Stephen Cunliffe, pastor of the First Baptist Church of this place. The bride is the daughter of William S. Hunt, a former resident of the license from S. Allen Mead, town clerk, gave her father's name as William Ellis Corey of Pennsylvania and her mother's name as Kathryn E. Williams of Massachusetts. She gave her age as 24 and said her first husband was killed in the world war.

The couple came here by motor from the Sleepy Hollow Country Club at Scarborough, accompanied by William C. La Fountain, who was their witness. After the ceremony the couple started on a wedding trip by automobile and Mr. La Fountain went back to the club.

At the office of William Ellis Corey, 14 Wall street, it was said that Mr. Corey had no daughter and that his first wife was Laura Cook and not Kathryn E. Williams.

When reached by telephone a man representing himself to be William C. La Fountain said that Mrs. Stevens "is a daughter of Mr. Corey, the steel man."

Automobiles Stolen

The following automobiles were reported stolen in a report sent last night from Police Headquarters:

Outgoing 1919 touring; olive green; license No. 29269, N. Y.; motor No. 245381. Republic half ton truck; marked "Abion & Garahan, 108 West 124th street," license No. 82960, N. Y.; motor No. 40536 N. Ford 1921 touring; Police department sign in rear seat; license No. 189190, N. Y.; motor No. unknown.

Lexington 1920 sedan; license No. 42610, N. J.; motor No. 130315.

Hudson 1919 touring; blue; license No. 13750, N. Y.; motor No. 96778.

Chalmers 1918 touring; blue; license No. 24226, N. Y.; motor No. 8124.

Chalmers 1920 touring; blue, red wire wheels; license No. 182237, N. Y.; motor No. 32130.

Chevrolet 1920 touring; license No. 17784, N. Y.; motor No. 40545.

Studebaker 1920 touring; dark green; license No. 138231, N. Y.; motor No. 584934.

Comstock touring; green; license No. 137752, N. Y.; motor No. 819.

BANDITS ROB BANK RUNNERS OF \$6,300

Hold Up Messengers in the
Lobby of Building in
Union Hill, N. J.

Three men with pistols entered the doorway of an office building at Bergenline avenue and Franklin street, Union Hill, N. J., yesterday morning and in the lobby of the building held up and robbed William Tierney and Charles Wolf, bank messengers for the Hudson Trust Company of Union Hill, of \$6,100 in cash and \$1,248 in checks which the men were carrying to the bank in a bag. The money was a daily deposit of the Metropolitan Life Insurance Company.

Tierney and Wolf told the police they were about to leave the building when the three men appeared. One of them pointed a pistol at the messengers and snatched the money bag from Tierney's hand. Wolf said he grabbed the bandit's muzzle of a gun against his ribs and told him to let go, which he did. The bandits then backed out and entered an automobile.

Several persons who told the police they saw the three men leave in the automobile said it was a small car with a New Jersey license of five numbers, the first three of which were 199. The Union Hill police have sent out an alarm to New York and to neighboring New Jersey cities.

HABEAS CORPUS WRITS DENIED

Supreme Court Justice Dehanty dismissed yesterday the application for writs of habeas corpus for Stewart Wallace, David Bernstein and Charles Stark, arrested here in March in connection with a bank robbery at Wyomissing, a suburb of Reading, Pa.

Chance in Life-time to Get Fine Articles AT

Auction Prices

CHARLES SHONGOOD WILL SELL UNTIL SOLD. AT 292 Fifth Avenue
Bet. 30th and 31st Streets

ALL OF THE SURPLUS STOCK OF

LAMPS-SHADES LANTERNS-SCREENS, Etc.

MANUFACTURED AND IMPORTED BY THE WELL-KNOWN FIRM OF

Crucet Manufacturing Co.

292 Fifth Avenue, New York
The Largest Manufacturer of High Grade Lamps and Shades in the United States.

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\$222,000.00

and the public is given an unprecedented opportunity to purchase fine Italian, French, English and Spanish Originals and Reproductions for Hall, Living Room, Dining Room, Bed Room, Den or Porch.

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Chauffeurs' Outfits

SUIT, OVERCOAT AND
CAP TO MATCH

\$75.50

It is interesting, and perhaps significant, that car owners and their chauffeurs both praise these **Chauffeurs' Outfits**. Durable all-wool Oxford Grey Whipcord, smartly tailored.

Coat & Trousers \$34.50
Overcoat . . . 38.00
Cap . . . 3.50

Other complete outfits,
\$98.50 and \$123.50

Send for chart and illustrated
booklet showing what the
Chauffeur should wear

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Ask the "Men"

They're the biggest users. It's not the men "at the top" alone, but the men "on the way up" who have made Fatima.

FATIMA

CIGARETTES

"Nothing else will do"


TWENTY for 25¢

—but taste the difference!

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WILLS SAINTE CLAIRE

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THE Wills Sainte Claire

is designed and built not merely to excel any other motor car in particular, nor all other motor cars in general, but to conform to an ideal.

We invite you to judge it by this standard. Compare the performances of the Wills Sainte Claire under all conditions with what you think a motor car ought to do.

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